IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

Con.Case(C).No. 235 of 2007(S)

AGAINST THE JUDGEMENT in WPC.26023/2006 Dated 23/11/2006

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PETITIONER

VALSALA.T.M.,
W/O.LATE KUNHIKRISHNAN NAIR, THEKKAYIL HOUSE,
PERAMBRA P.O., KOZHIKODE DISTRICT.

BY ADV. SRI.GEORGE ABRAHAM

RESPONDENTS:

M.M.JACOB (AGE AND FATHER'S NAME
NOT KNOWN), SECRETARY, KERALA STATE
CO-OPERATIVE EMPLOYEES' PENSION BOARD,
`RAJASREE', CHETTIKULANGARA, TRIVANDRUM-1.

BY ADV.T.R.HARIKUMAR

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 12/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M.JAMES, J.

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C.O.C No. 235 of 2007
in W.P.(C) No.26023/2006

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Dated this the 12th day of March, 2007

O R D E R

In the judgment, dated 23/11/2006, in W.P.(C) No.26023/2006, this court ordered at paragraph (7) that:-

> "7. In the above circumstances, I dispose of the writ petition, directing the first respondent to disburse the family pension, as would be calculated under clause 23 of the Pension Scheme, as early as possible, in any case, within two weeks from the date of production of a copy of this judgment, before it."

2. It is complained of by the contempt petitioner that the direction of this Court had not been complied with, and, therefore, seeks an action under Section 12 of the Contempt Courts Act, 1971.

3. When the matter came up for consideration, the learned counsel for the respondent submitted that the petitioner had not complied with clause 23(4) of the Employees Self

Financing Pension Scheme and, therefore, the distribution of pension could not take place.

4. Sub clause (4) of clause 23 state that:-

> 'family pension shall not be granted to a widow or a widower, who has another living husband or wife.'

5. The learned counsel for the petitioner, however, submits that the no objection from the other legal heirs, as well as the certificate, as required under clause 23(4), had already been submitted to the respondent. However, it is brought out that the same had been done only on 10/03/2007 by despatching through registered post.

6. In the above circumstances, I direct the respondent to comply with the direction contained in paragraph (7) of the judgment of this Court, dated 23/11/2006, in W.P(C) No.26023/2006, on or before 30th of this month.

Contempt of Court case is closed accordingly.

(J.M.JAMES)
Judge

ms